



US Army Corps  
of Engineers  
Portland District

## SECTION 205

### Authority for: FLOOD DAMAGE REDUCTION PROJECTS

**WHAT CAN THE CORPS DO?** Section 205 of the 1948 Flood Control Act, as amended, provides authority to the Corps of Engineers to plan and construct small flood damage reduction projects that have not already been specifically authorized by Congress. A project is accepted for construction only after detailed investigation clearly shows its engineering feasibility, environmental acceptability, and economic justification. Each project must be complete within itself, not a part of a larger project. The maximum federal expenditure per project is \$5 million, which includes both planning and construction costs. Costs of lands, easements, and operation and maintenance must be non-federal.

There are two types of projects: structural and nonstructural. Structural projects may include levees, flood walls, diversion channels, pumping plants, and bridge modifications. Nonstructural alternatives, which have little or no effect on water surface elevations, might include such measures as floodproofing, relocation of structures, and flood warning systems.

After a State or local agency requests a potential project, the Corps will conduct a feasibility study if it appears the problem may have a federal interest and if funds are available. The feasibility study begins at federal expense. After approximately \$20,000 has been expended, a decision is made as to whether to continue the study and whether cost sharing is likely to be needed. Study costs in excess of \$100,000 are shared 50/50 with the non-federal sponsor according to a Feasibility Study Cost Sharing Agreement (FCSA).

In the feasibility study the problem is defined, the federal interest is determined, potential solutions are identified, and the most feasible plan is chosen. The costs, benefits, and environmental impacts of the potential project are analyzed. A draft project cooperation agreement (PCA) is drawn up by which the federal Government and the sponsor agree to share project costs. No more than 3 years should pass between the start of the feasibility study and the time the project is ready for construction.

**WHAT ARE THE LOCAL RESPONSIBILITIES?** Costs for Section 205 flood damage reduction projects are shared between the federal government and a non-federal sponsor in accordance with the Water Resources Development Act of 1986, as amended. The local sponsor (a state or local government) must have the legal and financial capability to fulfill the requirements of cost sharing and local cooperation. The two categories of projects, structural and nonstructural, have different cost-sharing requirements.

For structural projects, the local sponsor is required to:

- Contribute a minimum of 5 percent of the flood damage reduction cost in cash during construction.
- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas.
- Provide any additional cash contributions needed to make the local sponsor's share of the flood damage reduction cost at least 35 percent.

For nonstructural projects, the non-federal sponsor is required to:

- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas.
- Provide any additional contributions needed to make the local sponsor's share of flood damage reduction costs equal to 35 percent. (The sponsor's maximum contribution for these projects is 35 percent.)

The sponsor generally must agree to the following:

- Hold and save the United States free from damages due to the construction and maintenance of the project, except damages due to fault or negligence of the United States or its contractors;
- Make all alterations and relocations of buildings, transportation facilities, storm drains, utilities, and other structures and improvements made necessary by the construction of the project (excluding approaches and facilities necessary for the normal interception and disposal of local interior drainage at the line of protection);
- Prepare a floodplain management plan designed to reduce the impact of future flood events in the project area;
- Comply with provisions of pertinent federal Acts in carrying out the specified non-federal responsibilities of the project;
- Operate, maintain, repair, replace, and rehabilitate the project as long as the project is authorized.

**HOW CAN A STUDY BE REQUESTED?** We may begin a Section 205 study after we receive a written request from the prospective sponsor. A sample letter is offered below.

*District Engineer  
U.S. Army Corps of Engineers, Portland District  
ATTN: Planning  
P.O. Box 2946  
Portland, Oregon 97208-2946*

*Dear Sir:*

*This letter is to seek the assistance of the U.S. Army Corps of Engineers under Section 205 of the 1948 Flood Control Act, as amended, in reducing flood damages along (river or creek) in the vicinity of (city or town, etc.)*

*(Briefly describe the nature and severity of the flooding problem. Briefly describe the known issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.)*

*It is understood that, if the study indicates a project with a federal interest is likely, the (non-federal sponsor) would be required to enter into a contract to pay half the cost of the feasibility study after the first \$100,000. Further, if it is found feasible to develop a flood damage reduction project, the (non-federal sponsor) would be able to pay at least 35 percent of the total cost of a project, with credit granted toward this amount for providing lands, easements and rights-of-way, and pay a minimum cash requirement of 5 percent of the total project cost.*

*Please contact (name, address, telephone) for further information.*

*Sincerely,  
(Name and title of public official authorized to request study)*